

## LEVIN-EPSTEIN & ASSOCIATES, P.C.

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April 21, 2025

**Via Electronic Filing**

The Hon. Lara K. Eshkenazi, U.S.M.J.  
U.S. District Court, Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: *Cheikh Amme v. Alsayedi et al*  
Case No.: 24-cv-04684

Dear Honorable Magistrate Judge Eshkenazi,

This law firm represents Plaintiffs Mohamed Cheikh Amme and Rafat Odeh (together, the “Plaintiffs”) in the above-referenced matter. The instant letter is filed jointly with counsel for Defendants Ahmed Alsayedi, Ali F. Hafeed, Nashwan Fittahey (the “Individual Defendants”) 301 Wyckoff Realty LLC, 66 Mini Market Corp., Wyckoff Organic Mini Market I Corp., and Wyckoff Organic Mini Market Inc. (the “Corporate Defendants”, and collectively, the “Defendants”).

Pursuant to the directives in Your Honor’s March 19, 2025 Order, the parties hereby submit the following proposed pretrial order.

### I. Caption

*Cheikh Amme v. Alsayedi et al*, Case No.: 24-cv-04684.

### II. Parties and Counsel

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Lazzaro Law Firm, PC  
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*Attorneys for Defendants*

### III. Jurisdiction

The Court has subject matter jurisdiction of this case pursuant to 29 U.S.C. § 216 (b), 28 U.S.C. § 1331 and 28 U.S.C. § 1337, and has supplemental jurisdiction over Plaintiffs’ claims under the NYLL pursuant to 28 U.S.C. § 1367(a). This Court has federal question jurisdiction over Plaintiffs’ claims pursuant to 28 U.S.C. § 1331 because his claims arise under the FLSA. Venue is proper in this District under 28 U.S.C. § 1391(b) and (c), because all events relevant to this action occurred in this District, and the acts and omissions giving rise to the claims herein alleged took place in this District.

#### IV. Claims and Defenses

##### A. Plaintiffs' Claims

Defendants own, operate and/or control the bodegas located at: (i) 301 Wyckoff Ave., Brooklyn, NY 11237; (ii) 66 Wyckoff Ave., Brooklyn, NY 11237; and (iii) 276 Wyckoff Ave., Brooklyn, NY 11237 (collectively, “Defendants’ Bodegas”). Plaintiffs were employed at Defendants’ Bodegas as general workers. During their employments, Plaintiffs worked for Defendants as follows:

Plaintiff	Start	End	Hours per Week <sup>1</sup>	Flat Weekly Salary	Der. Reg. Rate of Pay	Der. OT Rate of Pay
Mohamed Cheikh Amme	4/1/2023	12/31/2023	84	\$1,000	\$25.00	\$25.00
Rafat Odeh	11/1/2021	12/31/2021	84.0	\$1,000	\$25.00	\$25.00
	1/1/2022	12/31/2022	84.0	\$1,000	\$25.00	\$25.00
	1/1/2023	12/31/2023	84.0	\$1,000	\$25.00	\$25.00
	1/1/2024	2/28/2024	84.0	\$1,000	\$25.00	\$25.00

Defendants’ historic policy and practice was to pay Plaintiffs a flat salary, regardless of how many additional hours they worked in a week. This illegal policy resulted in substantial overtime violations under the FLSA and NYLL. Beyond Plaintiffs’ claims for unpaid overtime, Plaintiff also alleges wage notice and wage statement violations under the WTPA.

##### B. Defendants' Defenses

Defendants deny Plaintiffs’ claims. Defendants do not own operate and/or control the business located at 276 Wyckoff Ave. The Defendants dispute the periods of employment, hours worked, and weekly wages alleged by Plaintiffs. Plaintiffs were paid overtime wages.

Defendants Ali F. Hafeed, Nashwan Fittahey and 301 Wyckoff Realty LLC, are wrongfully named in this lawsuit and were not involved with Plaintiffs’ employment at the deli stores.

#### V. Relief

	Unpaid Wages	Liquidated Damages	Wage Statement Violations	Wage Notice Violations	PJI
Mohamed Cheikh Amme	\$64,585.71	\$64,585.71	\$5,000.00	\$5,000.00	\$9,778.10
Rafat Odeh	\$199,414.29	\$199,414.29	\$5,000.00	\$5,000.00	\$41,426.27
<b>Total:</b>	<b>\$264,000.00</b>	<b>\$264,000.00</b>	<b>\$10,000.00</b>	<b>\$10,000.00</b>	<b>\$51,204.37</b>
<b>Grand Total:</b>	<b>\$599,204.37</b>				

<sup>1</sup> Each Plaintiff regularly worked seven (7) days per week: from 10:00 a.m. to 10:00 p.m., or from 12:00 a.m. to 12:00 p.m., or from 2:00 a.m. to 2:00 p.m. (i.e., 12 hours per day), for a total period of approximately 84 hours during each of the weeks, respectively.

## **VI. Manner of Trial**

The parties respectfully request the scheduling of a jury trial. The parties anticipate the trial taking two (2) to three (3) days.

## **VII. Stipulated Facts**

None, at this time.

## **VIII. Witnesses**

### **A. Plaintiffs' Witnesses**

#### **1. Plaintiffs**

Attn: Levin-Epstein & Associates, P.C.  
60 East 42<sup>nd</sup> Street, Suite 4700  
New York, NY 20265

Plaintiffs are likely to have knowledge of the facts and circumstances relevant to this action, including, but not limited to, the wage-and-hour allegations pled by Plaintiffs in the Complaint in the instant action.

#### **2. Defendant Ali F. Hafeed**

Attn.: Lazzaro Law Firm, P.C.  
Roger B. Greenberg  
360 Court Street, #3  
Brooklyn, NY 11231  
Email: [lazzgreglaw@aol.com](mailto:lazzgreglaw@aol.com)

Defendant Ali F. Hafeed is likely to have knowledge of the facts and circumstances relevant to this action, including, but not limited to, the wage-and-hour allegations pled by Plaintiffs in the Complaint in the instant action.

#### **3. Defendant Ahmed Alsayedi**

Attn.: Lazzaro Law Firm, P.C.  
Roger B. Greenberg  
360 Court Street, #3  
Brooklyn, NY 11231  
Email: [lazzgreglaw@aol.com](mailto:lazzgreglaw@aol.com)

Defendant Ahmed Alsayedi is likely to have knowledge of the facts and circumstances relevant to this action, including, but not limited to, the wage-and-hour allegations pled by Plaintiffs in the Complaint in the instant action.

4. Defendant Nashwan Fittahey  
Attn.: Lazzaro Law Firm, P.C.  
Roger B. Greenberg  
360 Court Street, #3  
Brooklyn, NY 11231  
Email: [lazzgreglaw@aol.com](mailto:lazzgreglaw@aol.com)

Defendant Nashwan Fittahey is likely to have knowledge of the facts and circumstances relevant to this action, including, but not limited to, the wage-and-hour allegations pled by Plaintiffs in the Complaint in the instant action.

5. Current and former managers of “301 Wyckoff Realty LLC, 66 Mini Market Corp., Wyckoff Organic Mini Market I Corp., and Wyckoff Organic Mini Market Inc.”, as of November 2021 through and including the present date.

Contact information unknown.

The above-referenced individuals are likely to have knowledge of the facts and circumstances relevant to this action, including, but not limited to, the wage-and-hour allegations pled by Plaintiffs in the Complaint in the instant action.

6. All individuals who prepared and maintained payroll records for Defendants as of November 2021 through and including the present date.

Contact information unknown.

The above-referenced individuals are likely to have knowledge of the facts and circumstances relevant to this action, including, but not limited to, the wage-and-hour allegations pled by Plaintiffs in the Complaint in the instant action.

## **B. DEFENDANTS’ WITNESSES**

Defendants will call the Plaintiffs and the named Defendants as witnesses and certain employees that worked at the deli stores.

Defendants reserve the right to call additional witnesses to rebut Plaintiff’s witnesses’ testimony.

## **IX. Deposition Testimony**

None.

**X. Exhibits**

Exhibit	Description	Objections
<b>Plaintiff's Exhibits</b>		
<b>P-1</b>	Parties' text message exchanges.	
<b>Defendants' Exhibits</b>		
D-1		
D-2		
D-3		
D-4		

**XI. Motions in Limine**

None.

Thank you, in advance, for your time and attention to this matter.

Respectfully submitted,

LEVIN-EPSTEIN & ASSOCIATES, P.C.

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VIA ECF: All Counsel